

**United States District Court  
For The Western District of North Carolina**

UNITED STATES OF AMERICA

V.

RICHARD KYLE ORR

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

Case Number: 2:05mj214

USM Number:  
Zeyland McKinney  
Defendant's Attorney**FILED**  
ASHEVILLE, N. C.**MAR 29 2006**

THE DEFENDANT:

- ☒ pleaded guilty to count(s) ONE.  
☐ pleaded nolo contendere to count(s) which was accepted by the court.  
☐ was found guilty on count(s) after a plea of not guilty.

U.S. DISTRICT COURT  
W. DIST. OF N. C.**ACCORDINGLY**, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Counts</u>
21 USC 844(a)	Possess Xanax	01/14/05	ONE

The defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, United States v. Booker, 125 S.Ct. 738 (2005), and 18 U.S.C. § 3553(a).

- ☐ The defendant has been found not guilty on count(s) .  
☐ Count(s) (is)(are) dismissed on the motion of the United States.

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay monetary penalties, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: 03/29/06

  
Signature of Judicial OfficerDennis L. Howell  
United States Magistrate JudgeDate: March 29, 2006

Defendant: RICHARD KYLE ORR  
Case Number: 2:05mj214

Judgment-Page 3 of 3

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments.

ASSESSMENT	FINE	RESTITUTION
\$25.00	\$0.00	\$0.00

**FINE**

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

X The court has determined that the defendant does not have the ability to pay interest and it is ordered that: interest is waived.

TOTAL OFFENSE LEVEL : 6

CRIMINAL HISTORY CATEGORY: II

Defendant: RICHARD KYLE ORR  
Case Number: 2:05mj214

Judgment-Page 2 of 3

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of SEVEN (7) MONTHS with credit for time served.

☒ The Court makes the following recommendations to the Bureau of Prisons:

That the defendant be allowed to participate in any available substance abuse treatment programs while incarcerated including jail based inpatient treatment program. The Court specifically recommends that the defendant be allowed to participate in the "Jail Based Inpatient Treatment Program" that is being developed by the United States Probation Office for the Western District of North Carolina. The Court requests the Clerk to provide a copy of this Judgment to the Probation Office to notify it of this request.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

- ☐ At      On     .
- ☐ As notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ Before 2 pm on     .
- ☐ As notified by the United States Marshal.
- ☐ As notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ To \_\_\_\_\_

At \_\_\_\_\_, with a certified copy of this Judgment.

United States Marshal

By

Deputy Marshal